HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.25571 OF 2007

DATE: 26.12.2007

Between:

Vishnu Kumar Devda

..... PETITIONER

AND

The Station House Officer,
Afzalgunj Police Station, Hyderabad
& Another.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.25571 OF 2007

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

The telegram dated 26.11.2007 sent by the petitioner to the Hon'ble Chief Justice alleging that his father viz., Manikchand Devda, aged about 66 years, suffering with chronic Asthma, has been detained by the Afzalgunj Police at about 7.00 p.m. on 26.11.2007 though he was not involved in any case, is taken up as a writ petition.

The counter affidavit filed by the Inspector of Police, Afzalgunj Police Station, the first respondent herein discloses that a case in Crime No.855 of 2007 for the offence under Sections 304-B, 498-A

IPC and Sections 3 and 4 of Dowry Prohibition Act of Afzalgunj Police Station was registered against the petitioner as well as the alleged detenu. For the purpose of investigation in that crime, the alleged detenu participated in the enquiry along with his brother-in-law viz., Ram Swaroop and after enquiry both of them were let off. The Crime No.855 of 2007 was registered on 16.11.2007 on a complaint given by one S.Chandrakala complaining that her daughter Kusum @ Meena married to one Bankatlal Devda in the year 2003 and she died on 16.11.2007 and she got suspicion that the death is not natural and the cause of her daughter's death is due to dowry harassment. The mother-in-law of the deceased and the wife of the alleged detenu are own sisters. The police got suspicion over the in-laws of the deceased and the wife of the alleged detenu because they have been absconding from the date of registration of the crime. It is stated that the present telegram has been sent to evade the arrest of the accused including the wife of the alleged detenu.

Along with the counter, the undertaking given by the alleged detenu dated 26.11.2007 has also been filed wherein he undertook that as and when he receive the information about his wife, who is an accused in the above crime, he would inform the police. It is further seen from the material filed by the police that the petitioner as well as the alleged detenu filed a petition under Section 317 Cr.P.C. in C.C.No.579 of 2006 on the file of V Additional Metropolitan Sessions Judge, Hyderabad to dispense with their personal attendance in the said case, which goes to show that the alleged detenu has not been illegally detained. From the said material it is also clear that the petitioner is also facing trial in S.C.No.579 of 2006.

In the view of the facts and circumstances explained in the

counter, we do not see any merit in the allegation that the alleged detenu has been illegally detained by the police.

The writ petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J.

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26th DECEMBER, 2007 G. BHAVANI

PRASAD, J.

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